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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,287	01/28/2004	Allan Wexler	87592CPK	4997

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EXAMINER	
SHAH, MANISH S	

ART UNIT	PAPER NUMBER
2853	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/767,287	WEXLER, ALLAN	
	Examiner	Art Unit	
	Manish S. Shah	2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *25-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *25-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 25-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Bugner et al. (# EP 0983866 A2).

Bugner et al. discloses an ink jet printing method comprising the steps of:

A) providing an ink jet printer that is responsive to digital data signals ([0029]);

B) loading said printer with an ink jet recording element comprising a support having thereon in order ([0015]):

a) a fusible porous, ink-retaining layer (ink receptive layer), including fusible polymeric particle (melt-fusible) and a polymeric binder (gelatin) ([0017]; see Abstract); and

b) a fusible, porous ink-transporting layer comprising fusible, polymeric particles and a film-forming, hydrophobic binder (ink receiving layer split into two or more layers ([0017]);

C) loading said printer with an ink jet ink composition ([0029]);

D) printing on said ink jet recording element using said inkjet ink composition in response to said digital data signals ([0029]); and

E) fusing said fusible, porous ink-transporting layer to provide a continuous polymeric layer on the surface of said ink jet recording element ([0011]). They also disclose that there is no porous ink carrier liquid-receptive layer (resin coated paper, various plastics or two porous ink retaining layer) ([0015]) between the ink receptive layer and support, that is capable of receiving a substantial amount of ink carrier liquid after the ink carrier liquid has passed through the porous ink receptive layer (see Examples). They also disclose that the ink receiving layer and support capable to receive substantially all of the carrier liquid, more preferably at least 10 cc/m2 of the ink carrier liquid (see Examples). They also disclose that the support is porous and includes voided polyester or an open pore membrane ([0015]). They also disclose that the fusible polymeric particles in the fusible porous ink transporting layer range in size from about 0.5 to 20 micrometer ([0011]). They also disclose that the thermoplastic polymer will be selected from polyester, polyurethane (see Examples; [0013]-[0017]). They also disclose that the particle to binder ratio is between about 1:1 and 1:100 ([0017]).

2. Claims 25-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams et al. (# WO 00/63024).

Williams et al. discloses an ink jet printing method comprising the steps of:

A) providing an ink jet printer that is responsive to digital data signals (page: 5, line: 14-25);

B) loading said printer with an ink jet recording element comprising a support having thereon in order:

a) a fusible porous, ink-retaining layer (heat sealable layer), including fusible polymeric particle (Thermoplastic polymer) and a polymeric binder (gelatin) (page: 5, line: 1-15; page: 9, line: 1-30; page: 36, line: 1-30); and

b) a fusible, porous ink-transporting layer (ink receiving layer) comprising fusible, polymeric particles and a film-forming, hydrophobic binder (page: 36, line: 1-30);

C) loading said printer with an ink jet ink composition;

D) printing on said ink jet recording element using said inkjet ink composition in response to said digital data signals (page: 5, line: 14-20; see claim: 48); and

E) fusing said fusible, porous ink-transporting layer to provide a continuous polymeric layer on the surface of said ink jet recording element (page: 5, line: 15-30; see claim: 43, 48). They also disclose that there is no porous ink carrier liquid-receptive layer (resin coated paper, film) between the ink receptive layer and support, that is capable of receiving a substantial amount of ink carrier liquid after the ink carrier liquid has passed through the porous ink receptive layer (page: 8, line: 1-30). They also disclose that the ink receiving layer and support capable to receive substantially all of the carrier liquid, more preferably at least 10 cc/m2 of the ink carrier liquid (page: 9, line: 5-10; page: 38, line: 5-15). They also disclose that the support is porous and includes voided polyester or an open pore membrane (page: 7, line: 25-31). They also disclose that the fusible polymeric particles in the fusible porous ink transporting layer range in size less than 20 micrometer (page: 39, line: 19-25; page: 42, line: 20-23). They also disclose that the thermoplastic polymer will be selected from polyester, polyurethane (see Examples;

page: 21, line: 10-30; page: 33 line: 15 to page: 35, line: 25). They also disclose that the particle to binder ratio is between about 95:5 and 60:40 (see Examples).

Response to Arguments

3. Applicant's arguments with respect to claims 25-45 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 06/13/2005 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manish S. Shah whose telephone number is (571) 272-2152. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manish S. Shah
Primary Examiner
Art Unit 2853

MSS
3/2/06